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2 **So Ordered.**



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*Patricia C. Williams*  
Patricia C. Williams  
Bankruptcy Judge

**Dated: October 25th, 2013**

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF WASHINGTON

In re:

DC No. 11-CV-364-RMP

LLS AMERICA, LLC,

Case No. 09-06194-PCW11

Debtor(s).

BRUCE P. KRIEGMAN, solely in his  
capacity as court-appointed Chapter 11  
Trustee for LLS America, LLC,

Adversary No. 11-80295-PCW11

Plaintiff(s),

vs.

REPORT AND RECOMMENDATION  
RE: PLAINTIFF'S MOTION FOR  
ENTRY OF DEFAULT JUDGMENT  
AGAINST DEFENDANT MARIANNE  
BENNETT (ECF NO. 663)

1418490 ONTARIO, LTD., et al.,

Defendant(s).

The Honorable Patricia C. Williams, sitting in the United States Bankruptcy Court for the Eastern District of Washington, hereby files this Report and Recommendation regarding plaintiff's Motion for Entry of Default Judgment Against Defendant Marianne Bennett (ECF No. 663) filed with the bankruptcy court in this adversary proceeding.

1        This Report and Recommendation is made pursuant to the Honorable Rosanna  
2 Malouf Peterson's Order Withdrawing the Reference and Referring to Bankruptcy  
3 Court for Further Proceedings entered on April 25, 2012 (ECF No. 28) in district court  
4 case No. 11-CV-364-RMP.

5        The recommendation is that plaintiff's Motion for Entry of Default Judgment  
6 Against Defendant Marianne Bennett (ECF No. 663) be granted and the attached  
7 Default Judgment be entered in this adversary proceeding. The basis for this  
8 recommendation is that an Order of Default was entered by the bankruptcy court on  
9 October 3, 2013 (ECF No. 637).

10                    ///END OF REPORT AND RECOMMENDATION///

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Attorneys to Bruce P. Kriegman, Liquidating Trustee

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON**

In Re:

LLS AMERICA, LLC,

Debtor.

BRUCE P. KRIEGMAN, Liquidating  
Trustee under the Liquidating Trust for  
LLS America LLC,

Plaintiff,

v.

1418490 ONTARIO, LTD., et al.,

Defendants.

US District Case No. 11-CV-00364

Bankruptcy No. 09-06194-PCW11

Adversary No. 11-80295-PCW 11

**DEFAULT JUDGMENT AGAINST  
DEFENDANT MARIANNE  
BENNETT**

**JUDGMENT SUMMARY**

- |   |                             |
|---|-----------------------------|
| 1. Judgment Creditor:                     | Plaintiff Bruce P. Kriegman |
| 2. Attorney(s) for Judgment<br>Creditors: | Witherspoon Kelley          |
| 3. Judgment Debtors:                      | Marianne Bennett            |
| 4. Attorney for Judgment Debtor(s):       | None                        |

DEFAULT JUDGMENT- 1



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Attorneys & Counselors

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- 1 5. Amount of Judgment: \$ 21,900.00 CAD  
2 \$ 250.00 USD  
3 6. Amount of Interest Owed to Date  
4 of Judgment: \$ 0.00  
5 7. Interest Rate: 0.11% per annum

### 6 JUDGMENT

7 The Bankruptcy Court having previously entered an Order of Default  
8 against Defendant Marianne Bennett (Adv. Doc. No. 637), and having reviewed  
9 the previously filed Memorandum of Authorities (Adv. Doc. No. 599), and the  
10 Affidavits of Curtis Frye and Shelley Ripley in Support of Plaintiff's Motion for  
11 Default Judgment filed herewith, and being fully advised in the premises,  
12

13 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the  
14 Plaintiff, Bruce P. Kriegman, solely in his capacity as court-appointed Chapter 11  
15 Trustee for LLS America, LLC, shall have a judgment against the Defendant  
16 Marianne Bennett, as follows:  
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19 1. Monetary Judgment in the amount of \$21,900.00 CAD, pursuant to  
20 11 U.S.C. § 550 and RCW 19.40.071;  
21

22 2. Transfers in the amount of \$19,900.00 CAD made to the Defendant  
23 within four years prior to the Petition Filing Date are hereby avoided and Plaintiff  
24 may take all necessary action to preserve the same, pursuant to 11 U.S.C. §§ 544,  
25 550, 551 and 548(a) and (b) and RCW 19.40.041(1) and (2) and RCW 19.40.071;  
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DEFAULT JUDGMENT- 2

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3. Transfers in the amount of \$2,000.00 CAD made to Defendant more than four years prior to the Petition Filing Date are hereby avoided and Plaintiff may take all necessary action to preserve the same, pursuant to 11 U.S.C. §§ 544, 550 and 551 and RCW 19.40.041(1) and 19.40.071;

4. All said transfers to Defendant Marianne Bennett are hereby set aside and Plaintiff shall be entitled to recover the same, or the value thereof, from Defendant Marianne Bennett for the benefit of the estate of LLS America, pursuant to 11 U.S.C. §§ 544, 550 and 551;

5. Defendant Marianne Bennett did not file a proof of claim in Debtor's bankruptcy proceedings.

6. A constructive trust is hereby established over the proceeds of all transfers in favor of the Trustee for the benefit of the estate of LLS America; and

7. Plaintiff is hereby awarded costs (i.e. filing fee) in the amount of \$250.00 USD, for a total judgment of \$21,900.00 CAD, plus \$250.00 USD, which shall bear interest equal to the weekly average of one-year constant maturity (nominal) treasury yield as published by the Federal Reserve System.

Entered this      day of      , 2013.

HONORABLE ROSANNA MALOUF PETERSON

*Presented by:*  
**WITHERSPOON • KELLEY**

*s/ Shelley N. Ripley*  
 Shelley N. Ripley, WSBA No. 28901  
 Attorneys for Plaintiff

### DEFAULT JUDGMENT- 3

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